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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,404	10/30/2001	Brian Harrison	100199271	3658

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EXAMINER	
TAYLOR, NICHOLAS R	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,404	HARRISON ET AL.	
	Examiner	Art Unit	
	Nicholas R Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 have been examined and are rejected.

Claim Objections

2. Claims 2, 3, 7, 12, 13, 16, and 20 are objected to because of the following informality: "instantiate" is misspelled. Appropriate correction is required.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because handwritten figures 3, 4, and 6 are illegibly small. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Delo et al. (US Patent 6,418,554.)

6. As per claim 12, Delo teaches a client-server system, comprising:

a server having a device manager that instantiates an object which is used to call an executable residing on said server; (Delo, column 13, lines 15-26, and item 86 of figure 4, leading to column 13, lines 33-35 and step 906 of figure 9)

a client coupled to said server having said object, wherein once called, said executable is launched on said client once called and said executable starts and finishes remotely on said client (Delo, column 13 line 56 to column 14, line 10.)

7. Claims 15-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Polícht ("Installing Windows Installer Applications using WMI.")

8. As per claims 15 and 19, Polícht teaches a method for remote uninstallation of software, comprising:

installing an application and an uninstall executable code on a remote system over a network connection; running said uninstall executable code on said remote

system as directed by a device manager running on a management device (Policht, page 4, first paragraph and bullet points.)

9. As per claim 16, Policht teaches the system further comprising starting said uninstall executable on said remote system by instantiating and executing a Windows Management Instrumentation object (Policht, page 1, paragraph 3, and page 4, first paragraph and bullet points.)

10. As per claim 17, Policht teaches the system further wherein said object comprises a CreateProcess object (Policht, top half of page 5, wherein a Win32 process object is created.)

11. As per claim 18, Policht teaches a method for remote uninstallation of software between a server and a client using Windows Management Instrumentation (WMI) software, comprising:

loading executable code for uninstall of an application during initial installation of said application on said client installing said WMI software on said client; (Policht, page 4, first paragraph and bullet points)

a device manager of said server performing:

a) accessing a system.backslash.root.backslash.cimv2 space of said client; (Policht, code on page 3)

b) creating a Win32_Process class object; (Policht, top half of page 5, wherein a Win32 process object is created)

c) executing a Win32_Process->Create method with a path (Policht, package location field of page 4) to said executable code for uninstall on said server as an argument, wherein said application is remotely uninstalled (Policht, page 4, bullet points concerning uninstall.)

12. As per claim 20, Policht teaches the system further wherein said device manager starts said uninstall executable code on said client computer by instantiating and executing a Windows Management Instrumentation object (Policht, page 2.)

13. As per claim 21, Policht teaches the system further wherein said device manager accesses a system.backslash.root.backslash.cimv2 space of said client computer (Policht, code on page 3), creates a Win32_Process class object (Policht, top half of page 5, wherein a Win32 process object is created), and executes a Win32_Process->Create method with a path to said executable code for uninstall on said server as an argument Policht, package location field of page 4), wherein said application is remotely uninstalled (Policht, page 4, bullet points concerning uninstall.)

14. As per claim 22, Policht teaches the system further wherein a Web Based Enterprise Management (WBEM) standard is used to facilitate remote uninstall of

software (Polícht, page 1, wherein WMI is Microsoft's implementation of the WBEM standard.)

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 1-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delo et al. (US Patent 6,418,554) and Polícht ("Installing Windows Installer Applications using WMI.")

17. As per claim 1, Delo teaches a method for remote execution of software, comprising:

installing executable code on a management device; (Delo, column 5, lines 17-22)

communicatively coupling said management device to a remote system; (Delo, figure 3)

executing a create method with a path to said executable code on said management device as an argument; (Delo, column 13, lines 48-55)

executing said executable code residing on said management device locally on said remote system (Delo, column 13 line 56 to column 14, line 10.)

However, Delo fails to teach creating a class object. Policht teaches the use of Windows Management Instrumentation (WMI) software to install software from a remote location (Policht, page 4, first paragraph and bullet points) and to create class objects (Policht, page 2.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Delo and Policht to provide the WMI software of Policht in the system of Delo, because doing so would enable the use of an installation tool much more flexible and powerful than batch files (Policht, page 1, paragraph 1.)

18. As per claim 2, Delo-Policht teaches the system further comprising instantiating an object on said remote system which calls said executable code residing on said management device (Policht, page 2.)

19. As per claim 3, Delo-Policht teaches the system further wherein a device manager of said management device instantiates said object using Windows Management Instrumentation software (Policht, page 4, first paragraph and bullet points.)

20. As per claim 4, Delo-Policht teaches the system further comprising launching said executable code on said management device (Delo, column 13, lines 15-26, and item 86 of figure 4, leading to column 13, lines 33-35 and step 906 of figure 9.)

21. As per claim 5, Delo-Policht teaches the system further comprising starting and finishing said executable code by said remote system (Delo, figure 9, step 906 to End.)

22. As per claim 6, Delo-Policht teaches the system further comprising:

installing an application and an uninstall executable code on said remote system;

running said uninstall executable code on said remote system as directed by a device manager of said management device (Policht, page 4, first paragraph and bullet points.)

23. As per claim 7, Delo-Policht teaches the system further wherein said uninstall executable code is started on said remote system by instantiating and executing a Windows Management Instrumentation object (Policht, page 1, paragraph 3, and page 4, first paragraph and bullet points.)

24. As per claim 8, Delo-Policht teaches the system further wherein said object comprises a CreateProcess object (Policht, top half of page 5, wherein a Win32 process object is created.)

25. As per claim 9, Delo-Policht teaches the system further comprising:

communicatively coupling to a system/root/cimv2 space of said remote system; (Policht, code on page 3)

creating a Win32_Process class object; (Policht, top half of page 5, wherein a Win32 process object is created)

executing said Win32_Process class object with a path (Policht, package location field of page 4) to said uninstall executable code as an argument (Policht, page 4, bullet points concerning uninstall.)

26. As per claim 10, Delo-Policht teaches the system further comprising the step of implementing a Web Based Enterprise Management (WBEM) standard to facilitate said remote execution of software (Policht, page 1, wherein WMI is Microsoft's implementation of the WBEM standard.)

27. As per claim 11, Delo teaches a method of remote execution of software between a server and a client comprising:

installing executable code on said server; (Delo, column 5, lines 17-22)

executing said executable code residing on said server by said client, wherein said executable code is executed locally on said client (Delo, column 13 line 56 to column 14, line 10.)

However, Delo fails to teach:

installing said WMI software on said client; and

a device manager of said server performing:

a) accessing a system.backslash.root.backslash.cimv2 space of said client;

b) creating a Win32_Process class object;

c) executing a Win32_Process->Create method with a path to said executable code on said server as an argument;

Policht teaches the use of Windows Management Instrumentation (WMI) software to install software from a remote location (Policht, page 4, first paragraph and bullet points) and to create Win32 Process class objects (Policht, top half of page 5) after having accessed system\root\cimv2 (Policht, code of page 3) and using the path to the code (Policht, page 4, package location code.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Delo and Policht to provide the WMI software of Policht in the system of Delo, because doing so would enable the use of an installation tool much more flexible and powerful than batch files (Policht, page 1, paragraph 1.)

28. As per claim 13, Delo teaches the above, yet fails to teach wherein said device manager of said server instantiates a Windows Management Instrumentation (WMI) CreateProcess object on said client.

Policht teaches the use of Windows Management Instrumentation (WMI) software to install software from a remote location (Policht, page 4, first paragraph and bullet points.) It would have been obvious to one of ordinary skill in the art, at the time

the invention was made, to have combined Delo and Policht to provide the WMI software of Policht in the system of Delo, because doing so would enable the use of an installation tool much more flexible and powerful than batch files (Policht, page 1, paragraph 1.)

29. As per claim 14, Delo-Policht teaches the system further wherein said device manager accesses a system.backslash.root.backslash.cimv2 space of said client (Policht, code on page 3), creates a Win32_Process class object (Policht, top half of page 5, wherein a Win32 process object is created), and executes a Win32_Process->Create method with a path to said executable code on said server as an argument (Policht, package location field of page 4.)

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes US PGPub 2002/0138786 and US Patents 6,836,794 and 6,389,589.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER